

GAHC010101762024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1328/2024

MIZANUR ALI MANDAL @ MIZANUR MONDOL
S/O SAJAHAN ALI MONDAL @ SAHAJAHN MONDOL, VILL- PASCHIM
KANURI PT-II, P.O.-LAKHIMARI, P.S.-GOLAKGANJ, DIST-DHUBRI, ASSAM,
PIN-783334

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

20.06.2024

Heard Mr M R Khandakar, learned counsel for the petitioner, Mizanur Ali Mandal @ Mizanur Mondol, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Dhubri Golakganj PS Case No. 51/2024, corresponding to GR Case No. 277/2024, registered under Sections 457/376/354/506/325/392/34 of the Indian Penal Code, 1860.

3. Heard Mr B Sharma, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that about two months back, at around 10 pm, the petitioner went into the victim's house and committed rape on her. When the victim went to the nearby Police Station to lodge the FIR, Moksed Ali Mondal brought her back from the Police Station with a promise to arrange a village meeting, but no village meeting was held. Further, the accused on 10.03.2024, at about 07:00 pm, threatened the victim to kill her husband and also the accused snatched away Rs. 50,000/- from the victim's husband and assaulted him and attempted to commit his murder.

5. I have considered the submissions at the Bar with circumspection.

6. I have also scrutinized the Case Diary.

6. I have considered the submission that the FIR reveals that the incident occurred 2(two) months prior to the lodgement of the FIR. The statements of the witnesses have been taken into consideration.

7. It appears that anticipatory bail may be granted to the petitioner.

9. Considering the Case Diary and considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 50,000/-, with one surety of like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioner shall appear before the IO within 7 (seven) days from today and cooperate with the investigation, and

ii) the petitioner shall not exercise threats to the witnesses.

On breach of any of the bail conditions, the bail order shall stand cancelled.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant